

# Exhibit D

11/9/2015 TRANSCRIPT  
State Court Hearing RE: Criminal Contempt  
& Rudd's Motion For Declaratory/Injunctive Relief

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**Declaration in Support of Plaintiff's 10/16/18 Repsonsite Brief (ECF No. 72)**  
Opposing Def. Rule 12(c) Motions (ECF Nos. 53, 58, 60)

1 STATE OF MICHIGAN

2 IN THE 14<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

3 FAMILY COURT DIVISION

4

5 MELISSA MEYERS,

Plaintiff,

6 v

7 File No. 13-257503-PH

8

9 DANIEL RUDD,

10 Defendant.

11 /

12 BEFORE THE HONORABLE GREGORY C. PITTMAN,

13 FAMILY COURT JUDGE

14 Muskegon, Michigan - Monday, November 9, 2015

15 MOTION TO TERMINATE PPO &

16 SHOW CAUSE HEARING

17

18 APPEARANCES:

19 For the Plaintiff:

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27 For the Defendant:

Defendant Appeared In Pro Per

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1  
2 TABLE OF CONTENTS  
3  
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5 WITNESSES:  
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15 EXHIBITS:  
16 None.  
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Muskegon, Michigan

Monday, November 9, 2015

(At 2:38 p.m., proceedings opened)

THE COURT: This is the matter of Meyers versus  
257503-PH. What are we here for?

MS. MCLEAN: (Pause) Your Honor, may I address the Court?

THE COURT: Certainly, if you can answer my question.

MS. MCLEAN: Thank you, Your Honor. Well, we have two competing motions. I believe that Mr. Rudd has filed a motion to terminate the PPO that this Court issued back in December of 2013. And Ms. Meyers has filed a motion to show cause Mr. Rudd for his violations of the PPO, Your Honor.

THE COURT: Which came after he filed to terminate.

MS. MCLEAN: Correct, Your Honor.

THE COURT: Imagine that. And who are you, sir?  
I'm sorry.

MR. BAAR: Good afternoon, Your Honor. My name is Joel Baar. I'm the managing partner of our law firm.

THE COURT: (Pause) I don't really know what to do with you folks at this point. I mean I have to comment on the idea that the timing is so incredibly curious that

1                   when he motions to terminate this protection order that's  
2                   been in effect for now upwards of a year and a half, or  
3                   thereabouts, that then precipitates this voluminous motion  
4                   and order to show cause with issues that--I'm trying to  
5                   make heads or tails--go back months, which weren't issues  
6                   months ago. But they became issues at the point that he  
7                   says, let's just get rid of this PPO and move on.

8                   Yes, Counsel?

9                   MS. MCLEAN: Your Honor, we, in an effort to try  
10                   and de-escalate things, did not pursue show causes on  
11                   those because, you know, we felt that it wouldn't make  
12                   good sense. We let a lot of those things go.

13                   THE COURT: When did it then turn into making  
14                   good sense?

15                   MS. MCLEAN: Well, it's been escalating and  
16                   escalating, to a point now--

17                   THE COURT: Well, hold it. You just said that  
18                   in the effort to de-escalate, these things have occurred  
19                   and it really wasn't worth the effort to pursue them as a  
20                   motion and order to show cause. He files to have the  
21                   motion--or the order terminated, and then those things  
22                   that had not escalated or that you were attempting to de-  
23                   escalate now become issues that now must be litigated.  
24                   Because why?

25                   MS. MCLEAN: Well, Your Honor, Mr. Rudd hasn't

1                   been respecting the order that's in place right now. And--

2                   THE COURT: And what's the remedy if you believe  
3                   that he has failed to adhere to the order of the Court?

4                   MS. MCLEAN: Motion to show cause.

5                   THE COURT: And just off--for propriety sake,  
6                   then that would probably indicate that at the point that  
7                   you feel he has violated the motion--or the order, that it  
8                   would be relatively contemporaneous to that alleged  
9                   violation. Did you do that?

10                  MS. MCLEAN: Not necessarily. We contemplated  
11                  it, Your Honor.

12                  THE COURT: Why not?

13                  MS. MCLEAN: Well, it's kind of like death by a  
14                  thousand cuts. He would do one thing and one thing on its  
15                  own might not have been enough to trigger concern; but  
16                  when you look at this aggregate pattern, it really is  
17                  concerning.

18                  THE COURT: Well, what did trigger concern?

19                  MS. MCLEAN: Well, Your Honor, he just recently  
20                  sent letters to our firm. He has continued--I mean, it's  
21                  been two years since he--

22                  THE COURT: Well, is he prohibited from sending  
23                  letters to your firm?

24                  MS. MCLEAN: We do believe that that would  
25                  violate the personal protection order, Your Honor, because

1           it's an indirect contact to Ms. Meyers. And what he's  
2           alleged in those letters would be evidence that we would  
3           be presenting at the show cause hearing.

4           THE COURT: Well, the purpose of a personal  
5           protection order is to protect a person from being harmed,  
6           physically, more than anything. There is the component  
7           that allows for if there is the belief that there is  
8           stalking which would eventually lead to some physical  
9           harm. How does sending a letter to a law firm that he's  
10           involved in ongoing litigation with present a risk of  
11           physical harm to Ms. Meyers or anybody else at the firm?

12           MS. MCLEAN: Your Honor, that was just one  
13           example to show how these things--

14           THE COURT: That wasn't a good one.

15           MS. MCLEAN: --are--I'm sorry. There are--he  
16           has been engaging in a course of conduct that would  
17           include contacting Ms. Meyers' ex-husband who has no  
18           custody rights with her children, to dig up information on  
19           her. He has gone to the city council--

20           THE COURT: Is he prohibited from contacting Mr.  
21           Meyers?

22           MS. MCLEAN: He's making indirect third-party  
23           contact.

24           THE COURT: Is he prohibited from contacting Mr.  
25           Meyers?

1 MS. MCLEAN: I don't believe so, directly, Your  
2 Honor.

3 THE COURT: All right.

4 MS. MCLEAN: But it's a pattern of harassment  
5 that's starting to create some serious concerns with Ms.  
6 Meyers. And I think that the PPO that you issued that  
7 says this is because of a pattern of harassment. Now it  
8 continues and continues. So, you know, I can see in your  
9 wisdom, you're saying, is that thing alone enough to  
10 trigger a violation? I don't know. I mean that's where  
11 I, as an attorney, said, well, you know, he can contact  
12 your ex-husband as long as he doesn't do anything. I'm  
13 not going to do anything about it. He can send letters to  
14 your firm. He can do--you know, he can continue to make  
15 these allegations. He can continue to engage in slander  
16 and defamation and you know, all these things he continues  
17 to do. Now--

18 THE COURT: Which are outside of this Court's  
19 jurisdiction, as I'm certain you appreciate.

20 MS. MCLEAN: I do.

21 THE COURT: The argument of slander and  
22 defamation and all those things, which may very well have  
23 merit, that's just meritless as it relates to this issue.  
24 That's not a part of these proceedings. And personal  
25 protection orders do not protect against slander or

1 | defamation.

2 MS. MCLEAN: Your Honor, I--I guess I thought  
3 you wanted the PPO to be protecting Ms. Meyers from his  
4 pattern of harassment.

5 THE COURT: What I'd like is for you folks not  
6 to be in my courtroom.

7 MS. MCLEAN: I--

15                   But there is a legitimate protection order in  
16 place, and it has provisions that are to be adhered to.  
17 And you certainly have your right to your day in court  
18 regardless of how--how we get here and more importantly,  
19 the motivation for getting here.

20 Mr. Rudd?

21 MR. RUDD: Yes, Your Honor.

22 THE COURT: You're representing yourself?

23 MR. RUDD: Yes, Your Honor.

24 THE COURT: You understand you have the right to  
25 be represented by counsel?

1 MR. RUDD: Yes, Your Honor.

2 THE COURT: And is it your intention to proceed  
3 without counsel, knowing that you have that right?

4 MR. RUDD: Yes, Your Honor.

5 THE COURT: Okay. All right. And I see a  
6 number of really fine people here today who are away from  
7 their jobs and their responsibilities who were called here  
8 probably ostensibly for the purpose of testifying. Well,  
9 it's too bad. They're not going to get to testify today.

10 This matter was set for 15 minutes. This matter  
11 was set for 15 minutes because it was a pretty straight-  
12 forward motion that was filed by Mr. Rudd for the  
13 termination of a personal protection order. Procedurally  
14 then, you file your motion and order to show cause and  
15 produce this document (indicating) for the Court. And  
16 then all of these wonderful people to testify in support  
17 of that, which was not contemplated at all when he filed  
18 his very simple motion for termination.

19 So, I apologize to everybody who showed up here  
20 and wasted their 15 minutes or so of time. But Counsel,  
21 you should be more circumspect about the idea that you,  
22 better than anybody, know what your case is going to look  
23 like. And if you call for or subpoena six, seven, eight  
24 people--however many people--to testify, it will take us  
25 15 minutes to get everybody sworn in.

That carries a cost to you and to you. It's a minimal cost, but it carries a cost to you to engage the services of the Mediation and Restorative Justice Center.

24 Are we clear? Any question. Counsel?

25 MS. MCLEAN: May I ask one question of my client

1                   really quick--

2                   THE COURT: Sure, certainly--

3                   MS. MCLEAN: --and then--

4                   THE COURT: --go right ahead.

5                   Any question, Mr. Rudd?

6                   MR. RUDD: Is there any--is this just the place  
7                   here in Muskegon that--

8                   THE COURT: Uhm-hm. It's right here in  
9                   Muskegon. They will set up the appointment with you.  
10                  You'll call them, tell them you have this Court's order.  
11                  They'll set up a time that's convenient for both of you.

12                  MR. RUDD: May I ask any other questions?

13                  THE COURT: Sure.

14                  MR. RUDD: Are you aware of how serious the  
15                  allegations they're raising about me are?

16                  THE COURT: Your point being?

17                  MR. RUDD: Well, there's an overwhelming show of  
18                  force from Norton Shores and this order is still in  
19                  effect.

20                  THE COURT: Yeah, the--everything else is status  
21                  quo. The order remains in effect. Is there--what's your  
22                  question, if there's a question?

23                  MR. RUDD: When you originally ruled on the PPO,  
24                  you stated that your intention was to keep it active for a  
25                  very brief period of time. And in that hearing, you even

1                   noted a specific hearing, two weeks down the road, at  
2                   which you would end that order. And my warrantless arrest  
3                   would no longer be authorized in the LEIN database.

4                   THE COURT: Did I say that?

5                   MR. RUDD: Yes, Your Honor.

6                   THE COURT: No, I didn't.

7                   MR. RUDD: Well, you didn't say the--

8                   THE COURT: No, I know I didn't--

9                   MR. RUDD: --warrantless arrest part. I meant--

10                  THE COURT: I know I didn't say that, so don't  
11                  put words in my mouth.

12                  MR. RUDD: I meant you said--I apologize, Your  
13                  Honor.

14                  THE COURT: Good.

15                  MR. RUDD: I meant you said the part about that  
16                  it would be at this--

17                  THE COURT: What's your point, sir?

18                  MR. RUDD: --hearing coming up.

19                  THE COURT: Because so far, you're soap-boxing  
20                  me. What's your point?

21                  MR. RUDD: I don't--I don't feel that it's  
22                  justified to keep that active--

23                  THE COURT: To keep what active?

24                  MR. RUDD: To keep the PPO active in the LEIN  
25                  database.

1 THE COURT: That's why we're here for your  
2 motion, right?

3 MR. RUDD: Yes, Your Honor.

4 THE COURT: You want it terminated.

5 MR. RUDD: Yes, Your Honor.

6 THE COURT: I have to hold a hearing.

7 MR. RUDD: Oh, I apologize--

10 MR. RUDD: I do apologize, Your Honor. I  
11 thought you were issuing an order and I consolidated the  
12 matters.

13 THE COURT: Okay. Well, let me make it clear  
14 for you.

15 MR. RUDD: Okay.

16 THE COURT: Nothing's changing until these folks  
17 have their opportunity to be heard on your motion to  
18 terminate, and until you have the opportunity to be heard  
19 on the motion to show cause. Unless the heavens open up  
20 and you guys go to Restorative Justice and see some  
21 epiphany that being in here with me is probably the worst  
22 way you could spend your time. And you could spend it a  
23 lot better figuring out how to simply, peacefully, co-  
24 exist on this great big ole earth and not have to deal  
25 with one another and not have to deal with me. That is

1                   always an option and I'm putting you in a position to  
2                   actually realize that option.

3                   Are we clear on that?

4                   MR. RUDD: I understand.

5                   THE COURT: Anything else?

6                   MR. RUDD: No.

7                   THE COURT: Thank you.

8                   MR. RUDD: No thank you, Your Honor.

9                   THE COURT: Ms. Mclean, anything else?

10                  MS. MCLEAN: I just want to let you know, we did  
11                  try for one hour, prior to this hearing--Mr. Barr and  
12                  myself sat down with Mr. Rudd and did try to come up with  
13                  some type of resolution. We were not successful in doing  
14                  that. But maybe more time would allow us to reach some  
15                  type of mutually beneficial and mutually agreeable  
16                  resolution.

17                  Thank you, Your Honor.

18                  THE COURT: Well, thank you for that  
19                  information. You'll be working with professional  
20                  mediators--not to say that you all aren't capable--but  
21                  professional mediators who are not tied to, in an  
22                  appreciable way, these negotiations. That may be a bit of  
23                  a stumbling block. That will be removed because you'll be  
24                  working with someone who's impartial and not connected to  
25                  this.

1                   I would strongly urge you to see a bigger  
2                   picture and get to a point where this doesn't have to be.

3                   MR. RUDD: Your Honor, I'm not sure what I could  
4                   do possibly--

5                   THE COURT: I don't know either. And I didn't  
6                   ask you. That was just merely some advice to you.

7                   Same for you, Ms. Meyers. I would ask you to  
8                   see the bigger picture and get to a point where this is  
9                   not continuing as part of the landscape.

10                  Anything else? Sir?

11                  MR. RUDD: Not at this time, Your Honor.

12                  THE COURT: Thank you. Ms. Mclean, anything  
13                  else?

14                  MS. MCLEAN: All set, Your Honor. Thank you for  
15                  your time today, Your Honor.

16                  THE COURT: Thank you. We're adjourned.

17                  (At 2:53 p.m., proceedings adjourned)

18                  \* \* \* \* \*

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1 STATE OF MICHIGAN )  
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3 COUNTY OF MUSKEGON )  
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9 I certify that this transcript, consisting of 16 pages, is  
10 a complete, true, and correct record of the proceedings and  
11 testimony taken in this case on Monday, November 9, 2015.

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17 December 13, 2015

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